

Attorney Docket No. 663/35631
PATENT

JAN 27 2003

#11
3/14/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Adcock et al.
Serial No.: 09/254,148 Art Unit: 2761
Filed: June 11, 1999 Examiner: Akers
For: AUTOMATIC ELECTRONIC FUNDS TRANSFER SYSTEM AND
METHOD

REQUEST FOR RECONSIDERATION AFTER FINAL

(Box After Final)
Honorable Assistant Commissioner for
Patents
Washington, D.C. 20231

Sir:

In response to the official Final Office Action dated October 29, 2002 and the productive interview of January 27, 2003, Applicant makes the following remarks:

Claims 1-56 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rose et al. in view of Gifford. This rejection is respectfully traversed.

As agreed to in the interview, Rose by itself or in combination with Gifford does not teach the present invention. Thus, the Final Office Action will be removed and either the case will be passed to issue or a new non-final office action will be issued based on an updated search.

Claim 1 is directed to a system for automatically conducting a business transaction between a user and a trader. It includes a trader terminal having billing information representative of the trader and a user terminal or user card associated with a user terminal. A local communication link is provided between the user terminal or user card and the trader terminal. An order of goods and/or services of the trader is initiated by transmitting data over the link, using a message protocol, from said user terminal to be received by the trader terminal. The user terminal or user card receives and processes user information representative of the user. The user terminal or user card receives and processes billing information via the link in response to the order. A communication network enables the user terminal to communicate with a service provider. The user terminal transmits the billing

information and the user information to the service provider over the communication network. The service provider automatically transmits the funds of the user to the trader under authorization of the user to effect a financial transaction between the user and the trader.

It should be noted that the method of Claim 36 has similar limitations.

The distinctions are that Rose is a seller driven/controlled system, not a buyer driven/controlled system. Rose uses one channel of communication between the buyer, seller and service provider instead of separate channels of communication between the buyer and seller and the buyer and service provider.

Based on the above arguments, Claim 1 is considered allowable over the art of record. Also, the method of Claim 36 provides a method including the local communication network being distinctive from the communication network and that the user terminal is in control of the transactions. Gifford does not correct the failings of Rose nor teach the specific modification. It is not obvious how one of ordinary skill in the art would modify the teachings of Rose with Gifford to meet the limitations of the claims.

The dependent claims are allowable for their own distinctive limitations, as well as those argued herein with respect to Claims 1 and 36.

An earnest attempt has been made to respond to the Examiner's rejections to place the application in condition for allowance. Upon review of the arguments, it will be evident that Claims 1-56 are allowable over the art of record. Thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (663/35631).

Respectfully submitted,

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09/254,148 our ref: 663/35631

Spoke with examiner Dr. Geoffrey Akers on March 7, 2003 about status of application no. 09/254,148. Enclosed is a Request For Reconsideration After Final that was filed on January 27, 2003, USPTO has no record of this filing. Please add this to your file and forward any correspondence regarding this application.

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Serial No.

09/254,148

Filed

June 11, 1999

Applicant(s)

Adcock et al.

JAN 27 2003

Papers filed herewith on

Fees \$ *100*

New-Formal Application *PTO F*

Amendment *JAN 27 2003*

Notice of Appeal *PTO F*

Appeal Brief *PTO F*

Other *Request for Reconsideration After Final*

Assignment

Proposed Drawing Correction

Priority Document(s)

Req. for Ext. of Time

Sheets of 1 Formal Drawings

Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.

COMMISSIONER OF PATENTS AND TRADEMARKS